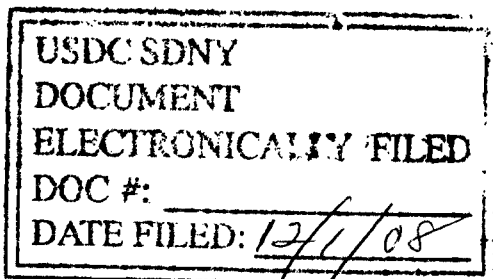


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



----- X  
In re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation  
----- X

MDL No. 1358 (Scheidlin, J.)  
Master File No. 1:00-1898

THIS DOCUMENT RELATES TO:

*Albertson Water District v. Amerada Hess  
Corporation, et al.,*

07-cv-2406;

*City of Glen Cove Water District v. Amerada Hess  
Corporation, et al.,*

07-cv-2403

*Greenlawn Water District v. Amerada Hess  
Corporation, et al.,*

07-cv-2407

*South Huntington Water District v. AGIP Inc., et al.,*

06-cv-7657

*Town of Huntington Dix Hills v. Amerada Hess  
Corporation, et al.*  
----- X

07-cv-2405

**PLAINTIFF'S MOTION FOR VOLUNTARY DISMISSAL  
PURSUANT TO RULE 41(A)(2)**

Plaintiffs by and through their attorneys Napoli Bern Ripka LLP, hereby move pursuant  
In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation  
to Rule 41(a)(2) of the Federal Rules of Civil Procedure to dismiss without prejudice the above-  
captioned matters, with each party bearing its own costs.

Doc. 2173

NAPOLI BERN RIPKA & ASSOCIATES, LLP  
Counsel for Plaintiffs

Dated: November 3, 2008  
New York, NY

Robert Gitelman (RG7813)  
Empire State Building  
350 Fifth Avenue, Suite 7413  
New York, NY 10118  
(212) 267-3700

SO ORDERED:

  
Hon. Shira A. Scheindlin

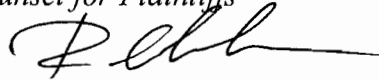
Dated: Nov. 26, 2008

CERTIFICATE OF SERVICE

I certify that on November 3, 2008, a true and correct copy of Plaintiff's Motion for Voluntary Dismissal was electronically served on counsel of record by electronic filing via LexisNexis File & Serve to counsel for Plaintiffs and Defendants in MDL No. 1358.

NAPOLI BERN RIPKA & ASSOCIATES, LLP

*Counsel for Plaintiffs*



Dated: November 3, 2008  
New York, NY

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Robert Gitelman (RG7813)  
Empire State Building  
350 Fifth Avenue, Suite 7413  
New York, NY 10118  
(212) 267-3700

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation  
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MDL No. 1358 (Scheindlin, J.)  
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07-cv-2403

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07-cv-2407

*South Huntington Water District v. AGIP Inc., et al.,*

06-cv-7657

*Town of Huntington Dix Hills v. Amerada Hess  
Corporation, et al.*  
-----X

07-cv-2405

**DECLARATION OF ROBERT GITELMAN IN SUPPORT  
OF PLAINTIFF'S MOTION FOR VOLUNTARY  
DISMISSAL**

Robert Gitelman, an attorney duly licensed to practice before the Courts of the State of New York and a member of the Bar of this Honorable Court, hereby Declares under penalty of perjury, that the following facts are true to the best of my knowledge, information and belief:

1. I am an attorney duly admitted to practice law in the state courts of New York and the Federal District Court for the Southern District of New York and I am counsel for the Plaintiffs in the above-captioned matters.

2. On September 21, 2006, Plaintiff South Huntington Water District commenced the action in the United States District Court for the Southern District of New York styled: *South Huntington Water District v. AGIP Inc., et al.*, Docket No.: 06-CV-7657.

3. On March 23, 2007, Plaintiffs commenced the following actions in the United States


District Court for the Southern District of New York:

- a) *Albertson Water District v. Amerada Hess Corporation, et al.*, Docket No.: 07-cv-2406;
- b) *City of Glen Cove Water District v. Amerada Hess Corporation, et al.*, Docket No.: 07-CV-2403;
- c) *Greenlawn Water District v. Amerada Hess Corporation, et al.*, Docket No.: 07-CV-2407;
- d) *Town of Huntington Dix Hills v. Amerada Hess Corporation, et al.*, Docket No.: 07-CV-2405

4. Pursuant to the Court's directives at the October 30, 2008 Court Conference, Plaintiffs in each of those matters respectfully move this Court for an Order granting voluntary dismissal, without prejudice, of the actions pursuant to Fed. R. Civ. P. 41(a)(2).

WHEREFORE, Plaintiffs respectfully asks this Court to grant the within motion without costs as to any party, along with such other and additional relief as the Court deems just and proper.

Dated: New York, New York  
November 3, 2008

  
\_\_\_\_\_  
Robert Gitelman (RG-7813)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In Re: Methyl Tertiary Butyl Ether ("MTBE") Products  
Liability Litigation  
-----X

THIS DOCUMENT RELATES TO:

*Albertson Water District v. Amerada Hess Corporation, et al.*  
07-cv-2406;  
*City of Glen Cove Water District v. Amerada Hess  
Corporation, et al.* 07-cv-2403  
*Grenlawn Water District v. Amerada Hess Corporation, et al.*  
07-cv-2407  
*South Huntington Water District v. AGIP Inc., et al.* 06-cv-7657  
*Town of Huntington Dix Hills v. Amerada Hess Corporation, et  
al.* 07-cv-2405  
-----X

Master File No.: 1:00-1898  
MDL 1358 (SAS)

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PLAINTIFF'S MOTION FOR VOLUNTARY DISMISSAL PURSUANT TO RULE 41(a)(2)

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**NAPOLI BERN RIPKA & ASSOCIATES, LLP**

*Attorneys for : Plaintiff*  
3500 Sunrise Hwy., Suite T-207  
Great River, New York 11739  
Phone: (212) 267-3700  
Fax: (212) 587-0031

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PLEASE TAKE NOTICE:

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of an \_\_\_\_\_ duly entered in the  
office of the clerk of the within named court on \_\_\_\_\_ 200\_\_.

☐ NOTICE OF SETTLEMENT

that an order \_\_\_\_\_ of which the within is a true copy, will be  
presented for settlement to the HON. \_\_\_\_\_ one of the judges of the  
within named Court, at \_\_\_\_\_ on \_\_\_\_\_ 200\_\_ at \_\_\_\_\_ O'clock \_\_\_\_ M.

Dated, \_\_\_\_\_

Yours, etc.

**Napoli Bern Ripka & Associates, LLP**